

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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U.S. DISTRICT COURT, CHARLESTON, SC
2013 MAY 31 A 10:40

William L. McCants,)
)
Plaintiff,)
)
v.)
)
Deputy Adam L. Midgett,)
)
Defendant.)
_____)

C/A No. 2:12-3194-RMG


ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that the Court dismiss this action, with prejudice, for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Dkt. No. 27). As set forth below, the Court agrees with and adopts the R&R as the order of the Court.

Plaintiff filed this action, pro se, pursuant to 42 U.S.C. § 1983 in November 2012. (Dkt. No. 1). Pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 DSC, this matter was referred to a United States Magistrate Judge for all pretrial proceedings. On February 14, 2013, Defendant filed a motion for summary judgment. (Dkt. No. 22). The Magistrate Judge then issued a *Roseboro* order advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond. (Dkt. No. 23). Plaintiff did not file a response to the motion. The Magistrate Judge then entered an order on March 27, 2013, advising Plaintiff that his action would be subject to dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure unless he filed a response by April 16, 2013. (Dkt. No. 25). When Plaintiff failed to file a response, the Magistrate Judge issued the present R&R on May 1, 2013, recommending the Court dismiss this action with prejudice for lack of prosecution. (Dkt. No. 27). Plaintiff has not filed any objections to the R&R.

After review of the record, the Court agrees with and adopts the R&R as the order of the Court. (Dkt. No. 27). Accordingly, the Court DISMISSES this action, with prejudice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

AND IT IS SO ORDERED.


Richard Mark Gergel
United States District Court Judge

May 30, 2013
Charleston, South Carolina